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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,990	11/03/2003	Masami Kugai	B422-244	5289
26272	7590	09/18/2007	EXAMINER	
COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			SANDOVAL, KRISTIN D	
		ART UNIT	PAPER NUMBER	
		2132		
		MAIL DATE	DELIVERY MODE	
		09/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/699,990	KUGAI, MASAMI
	<b>Examiner</b>	<b>Art Unit</b>
	Kristin D. Sandoval	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 July 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 July 2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-15 are pending.

### *Specification*

2. The substitute specification is accepted.

### *Drawings*

3. The drawings were received on July 9, 2007. These drawings are accepted.

### *Response to Arguments*

4. Applicant's arguments filed July 9, 2007 have been fully considered but they are not persuasive.

Applicant argues that Stefik fails to teach transmitting content which is encrypted with a predetermined encrypting key in the content server to a content processing apparatus. The examiner respectfully disagrees. Stefik discloses transmitting content which has been encrypted with a predetermined encrypting key at a repository which constitutes a content server (9:34-49, Table 2 of columns 15-16, see Basic Security and higher). Stefik also teaches transmitting to a content processing apparatus since a repository can be a content processing apparatus such as a printer (8:24-54).

Applicant further argues that Stefik fails to teach a license control information transmitting step in which usage right information having identification information and condition of use of the specified content and user specific information is generated in the content

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server and transmitted with a decrypting key corresponding to the encrypting key to the usage right control server. The examiner respectfully disagrees. Stefik discloses license control information that contains identification, usage rights and user specific information being transmitted with the digital content to a usage rights server (7:6-37 wherein a usage rights server is another respository, 11:30-12:38).

Applicant further argues that Stefik fails to teach a ticket transmitting step wherein a ticket including an identifier of the license control information is generated and transmited to the content processing apparatus. The examiner respectfully disagrees. Stefik discloses the use of a ticket as a part of the usage rights grammar, therefore the ticket itself is an identifier of the license control information and it is transmitted to the content processing apparatus since it is a part of the usage rights which are attached to the digital content as previously explained (22:34-50).

Applicant further argues that Stefik fails to teach an authorization step in which the content processing apparatus transmits the identifier to the usage rights control server and verifying an authorization for use by the user by communicating with the content processing apparatus. The examiner respectfully disagrees. Stefik discloses transmitting the ticket from the content processing apparatus to a ticket agent or 3<sup>rd</sup> party authorization party which also verifies the authorization of use by the user through an authorization-ID (23:1-43).

Finally, applicant argues that Stefik fails to teach a usage right information transmitting step where usage right information and the decrypting key is transmitted from the server to the content processing apparatus and a content processing step of decrypting the encrypted content by the decrypting key in the content processing apparatus and processing the decrypted content

based on the usage right information. The examiner respectfully disagrees. Stefik discloses transmitting the usage right information which is attached to the digital work and the decryption key once both repositories, one of which is the content processing apparatus, are both authorized (28:64-29:17). Stefik also discloses decrypting the digital content within the repository which constitutes the content processing apparatus since after decryption the content is processed in the form of a printer (14:1-6, 7:38-9:5).

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**5. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik et al., U.S. Patent No. 5,629,980 (hereinafter Stefik).**

**Regarding claim 1:** Stefik discloses a content utilizing method in a system including a user terminal (col. 16 lines 42-67, user interface connotes user terminal), a content server for providing a content (col. 4 lines 5-12, repository), a content processing apparatus for processing a content (col. 14 lines 7-27, processor), and a usage right control server for controlling a right of use of the content (col. 22-23 lines 33-8, depending on the embodiment, usage rights can be controlled by a document server, repository or authorization source), the method comprising:

a use requesting step of selecting a content to be used and a condition of use therefor in said user terminal and requesting a use of the content to said content server (col. 4 lines 5-23, repository operates in requester or server mode);

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a content transmitting step of encrypting the content with a predetermined encrypting key in said content server (col. 15-16 Table 2, encryption: *see Level 2, Basic Security and higher*) and transmitting the content to said content processing apparatus (col. 42 lines 6-21, repository transmits to authorization server that decrypts and performs tests);

a license control information transmitting step of generating, in said content server, license control information including usage right information having identification information and condition of use of said selected content and user specific information, and executing transmission together with a decrypting key corresponding to said encrypting key to said usage right control server (col. 20 lines 7-30, file management rights control licenses, use, and distribution criteria; and col. 44 lines 23-64, *see Licensed Distribution*);

a ticket transmitting step of generating, in said content server, a ticket including an identifier of said license control information and transmitting it to said content processing apparatus (col. 22-23 lines 34-43, Tickets control access and transmission based on security level and AuthorizationID);

an authorization step of transmitting the identifier of said license control information from said content processing apparatus to said usage right control server, which communicates with said content processing apparatus based on the user specific information in the license control information corresponding to said identifier, thereby verifying an authorization for use of the user (col. 22-23 lines 33-8 and col. 41-42 lines 40-24, *see Authorization Transactions*);

a usage right information transmitting step of transmitting said usage right information and said decrypting key from said authorizing server to said content processing apparatus (col. 42 lines 6-21); and

a content processing step of decrypting said content by said decrypting key in said content processing apparatus and processing the decrypted content based on said usage right information (col. 42 lines 6-21).

**Regarding claim 2:** Stefik discloses that said authorization step includes:

an authorization data transmitting step of encrypting predetermined data with a second encrypting key corresponding to a user in said usage right control server to generate authorization data and transmitting such authorization data to said content processing apparatus (col. 27-29 lines 31-56, initiating sessions via user login, encryption using multiple keys, and transmitting registration data for authorization);

an authorization data returning step of decrypting said authorization data with a second decrypting key corresponding to said user in said content processing apparatus and returning the decrypted data to said usage right control server (col. 27-29 lines 31-56, decrypting and exchanging information to determine that repositories are bona fide); and

a judgment step of judging a successful verification of an authorization for use of said user in case said authorization data decrypted in said decryption step coincide with said predetermined data (col. 30-31 lines 61-4, verify requirements satisfied for all parts of transaction).

**Regarding claims 3 and 8:** Stefik discloses a random number as predetermined data (col. 28 lines 32-63 “nonce”).

**Regarding claim 4:** Stefik discloses that said predetermined data include identification information of the user (col. 29 lines 42-56, user login/PIN) and the content (col. 41 lines 47-52, AuthorizationID based on digital work).

**Regarding claim 5:** Stefik discloses that said second encrypting key and said decrypting key are a same user key (col. 28-29 lines 64-17), and such user key is transmitted from said user terminal to said content server, then included in said ticket and transmitted to said content processing apparatus, and transmitted as said user specific information to said usage right control server (col. 31 lines 5-46, steps for transaction can include registration, trusted session, testing, usage rights, and requiring digital ticket).

**Regarding claim 6:** Stefik discloses that said second encrypting key is a public key of the user, and said second decrypting key is a secret key corresponding to said public key (col. 28-29 lines 64-17).

**Regarding claim 7:** Stefik discloses that said authorization step includes:

an authorization data transmitting step of generating predetermined authorization data in said usage right control server (col. 28 lines 32-63) and transmitting such authorization data to said content processing apparatus (col. 27-29 lines 31-56);

an authorization data returning step of encrypting said authorization data with a second encrypting key corresponding to said user in said content processing apparatus (col. 27-29 lines 31-56) and returning the encrypted data to said usage right control server (col. 42 lines 22-24); and

a judgment step of decrypting the returned authorization data with a second decrypting key corresponding to said user (col. 28-29 lines 64-17) and judging a successful verification of

an authorization for use of said user in case said decrypted authorization data coincide with said predetermined authorization data (col. 30-31 lines 61-4).

**Regarding claim 9:** Stefik discloses that said condition of use includes a kind of processing of the content (col. 4 lines 13-23, checking request against usage rights, processing request, and updating usage rights).

**Regarding claim 10:** Stefik discloses that said condition of use includes a fee charging method (col. 6-7 lines 51-5, associated fees are attached to digital work).

**Regarding claim 11:** Stefik discloses that said fee charging method includes a charging method according to an amount of use (col. 6-7 lines 61-5, all uses are billable).

**Regarding claim 12:** Stefik discloses that said content transmitting step transmits, together with said encrypted content, a program code to be executed by said content processing apparatus (col. 42 lines 6-21).

**Regarding claim 13:** Stefik discloses that said usage right information is capable of describing plural usage rights, and a usage right is selected among said plural usage rights for executing the content (col. 5-6 lines 50-14, i.e., copy and number of copies, transfer, loan, play, print, backup, and restore).

**Regarding claim 14:** Stefik discloses that said usage right information describes charge information for the execution of the usage right, and the method further comprises a charging step of executing a charging process according to said charging information when the usage right is executed (col. 6 lines 57-61, enforce billing for access to digital work).

**Regarding claim 15:** Stefik discloses a charge checking step of checking a charge prior to the execution of said usage right (col. 29-30 lines 57-35, billing transaction completes before granting request).

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin D. Sandoval whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

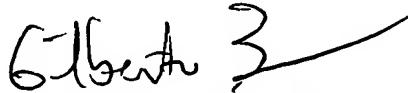
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Art Unit 2132

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